

## Vehicular Crimes

### Motor Vehicle Homicide

#### **Commonwealth v. Carlson**

Supreme Judicial Court, June 21, 2006

*A victim's decision to forego life support does not relieve a defendant of criminal responsibility for negligent operation of a motor vehicle that caused the victim's injuries.*

The defendant, Sandra Carlson, slammed into the passenger side of the victim's car after she failed to stop at a blinking red light at an intersection. The victim sustained chest and lung injuries. Prior to the collision the victim suffered for several years from a disease requiring an oxygen tank to breathe. The victim's injuries from the collision exacerbated the preexisting health problems requiring her to be placed on a ventilator. After consulting with doctors, the victim chose to be taken off the ventilator and died four days after the collision.

The defendant was convicted of negligent motor vehicle homicide and appealed claiming:

- 1) The victim's decision to be removed from life support broke the chain of causation as a matter of law; and
- 2) In the realm of criminal negligence, the tort concept of "you take your victim as you find him" should not apply when it has the effect of turning an act of simple negligence into a serious crime.

The SJC, taking the case on its own motion, disagreed and held that in cases where there is an intervening cause by some person or event the defendant is still criminally responsible for the death if: 1) the defendant's actions directly and substantially set in motion a natural, continuous sequence of events to cause the death; and 2) a reasonable person in the defendant's position would have foreseen that her actions could easily result in serious injury or death to someone like the victim.